

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION**

**KENNETH ANTWAN DOWNER,**

**Plaintiff,**

**V.**

**ELBERT COUNTY DETENTION  
CENTER, *et al.*,**

### Defendants.

**Case No. 3:22-cv-00057-CAR-CHW**

**Proceedings Under 42 U.S.C. § 1983  
Before the U.S. Magistrate Judge**

## ORDER

Plaintiff Kenneth Downer, an inmate presently confined at Washington State Prison, filed a *pro se* civil rights complaint asserting claims under 42 U.S.C. § 1983. (Doc. 1, 16). Consistent with the Court's order and recommendation (Doc. 18), the clerk issued service for the remaining defendant, Sgt. Corbin, at Elbert County Detention Center. (Docs. 19, 20). When the mailed process receipt and return was returned unexecuted (Doc. 22), the clerk directed personal service for Defendant Corbin. (Doc. 23). Personal service was unsuccessful. (Doc. 26).

Because Plaintiff is proceeding *in forma pauperis*, he is entitled to rely on the Court to effect service. “*In forma pauperis* litigants should be entitled to rely on the court officers and United States Marshals to effect proper service, and should not be penalized for failure to effect service where such failure is not due to fault on the litigant’s part.” *Fowler v. Jones*, 899 F.2d 1088, 1095 (11th Cir. 1990). Even so, *in forma pauperis* litigants may not remain silent and do nothing to help effectuate service of process. *Id.* At a minimum, an *in forma pauperis* litigant should request service upon the appropriate defendants and attempt to remedy any apparent service defects of which he has knowledge. *Id.*

Accordingly, Plaintiff is hereby **NOTIFIED** that the Court received an unexecuted process receipt and return for Defendant Sgt. Corbin on January 26, 2023. (Doc. 26). The deputy U.S. Marshal was informed that “there was no current or previous Sgt. Corbin working” at Elbert County Detention Center. (*Id.*)

If Plaintiff wishes to pursue his claims against this individual Defendant, Plaintiff is **DIRECTED** to remedy the apparent service defect concerning Defendant Sgt. Corbin by providing the Court with additional information, within 21 days of this order, regarding the identity of this Defendant or a current address for this Defendant, so that the Court may continue its efforts to perfect service on Plaintiff’s behalf.

**SO ORDERED**, this 8th day of February, 2023.

s/ Charles H. Weigle  
Charles H. Weigle  
United States Magistrate Judge